



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 6**

**1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733**

December 3, 2013

Ms. Joan M. Exnicios  
Chief, Environmental Planning Branch  
U.S. Department of Army  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160-0267

RE: Detailed Comment Letter for Calcasieu Lock Louisiana Feasibility Study with Integrated Environmental Impact Statement

Dear Ms. Exnicios:

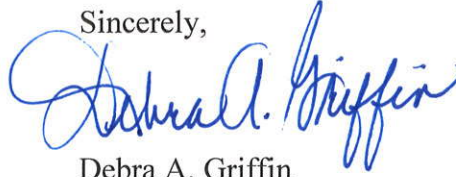
In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) prepared by the U.S. Department of Army, Corps of Engineers (USACE).

EPA rates the DEIS as "EC-2", i.e., EPA has "environmental concerns and requests additional information" in the Final Environmental Impact Statement (FEIS). EPA's Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. The "EC" rating is based on the potential for adverse impacts. The "2" indicates the DEIS does not contain sufficient information to fully assess the impact of the action and additional information is requested. Detailed comments are enclosed with this letter which clearly identifies our concerns and the informational needs requested for incorporation in to the FEIS. Responses to comments should be placed in a dedicated section of the FEIS and should include the specific location where the revision, if any, was made. If no revision was made, a clear explanation should be included.

EPA appreciates the opportunity to review the DEIS. Please send our office one copy of the FEIS when it is filed using our *e-NEPA Electronic Filing* at <http://www.epa.gov/compliance/nepa/submiteis/index.html>. Our classification will be published on the EPA website, [www.epa.gov](http://www.epa.gov), according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action.

If you have any questions or concerns, please contact Kimeka Price of my staff at (214)665-7438 or via email at [price.kimeka@epa.gov](mailto:price.kimeka@epa.gov) for assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debra A. Griffin". The signature is fluid and cursive, with the first name "Debra" being more prominent.

Debra A. Griffin  
Associate Director  
Compliance Assurance and  
Enforcement Division

Enclosure

**DETAILED COMMENTS  
ON THE U.S. DEPARTMENT OF ARMY  
CORPS OF ENGINEERS  
CALCASIEU LOCK FEASIBILITY STUDY  
WITH INTEGRATED ENVIRONMENTAL IMPACT STATEMENT  
IN CALCASIEU PARISH, LOUISIANA**

**BACKGROUND**

The Calcasieu Study addresses navigation improvement planning for the Gulf Intracoastal Waterway (GIWW) at and in the vicinity of Calcasieu Lock, Cameron Parish, Louisiana. This Study was developed from the results of the GIWW Locks, Louisiana reconnaissance report, completed in May 1992. The 1992 comprehensive Study involved a systems analysis of the GIWW locks west of the Mississippi River. The report documented the need for replacements or improvements at Bayou Sorrel, Calcasieu, and Port Allen Locks. This resulted in a 905(a) reconnaissance report specifically for the Lock that was completed in 2001 and which found justification and Federal interest in further feasibility level study of the navigation delays and potential solutions at Calcasieu Lock.

The overall Study goal is to maximize the efficiency of the Calcasieu Lock, thereby contributing to the overall efficiency of GIWW as a nationally significant navigation system, while continuing to provide water management capability and salinity control to the Mermentau River Basin. Significant resources considered within the development of this Study included soil, coastal vegetation, wildlife, fisheries, plankton, benthos, essential fish habitat, threatened and endangered species, hydrology (including flow, water levels, and sediment), water quality, recreation, cultural and historic resources, air quality, socioeconomic and human resources (including population, infrastructure, employment and income, navigation, commercial fisheries, flood control, and hurricane protection). In addition, the characterization of noise and hazardous, toxic, and radioactive waste in the Study area are presented.

**COMMENTS**

The following comments are offered for USACE's consideration in preparation of the FEIS:

**General Air Quality**

In the Affected Environment Section, the DEIS addresses Historic and Existing Conditions of Air Quality. It should be noted that the Lake Charles Metropolitan Statistical Area is vulnerable to being designated as non-attainment for ozone in the next few years. The Imperial Calcasieu Regional Planning & Development Commission (IMCAL), representing Calcasieu Parish, Cameron Parish, the Cities of Lake Charles, Westlake, Sulphur, Vinton,

DeQuincy, the Town of Iowa, the Lake Charles Harbor and Terminal District, the Chennault International Airport, the Lake Area Industrial Alliance, the Southwest Louisiana Economic Development Alliance, and the Chamber SWLA have applied for and been accepted by EPA into the EPA Ozone Advance program. The Ozone Advance program is a collaborative effort between EPA, states, and local governments to enact expeditious emission reductions to help near non-attainment areas remain in attainment of the National Ambient Air Quality Standards. This further reflects the sensitivity of ozone levels in the area, and the need for federally-funded projects in the study area to consider emissions which contribute to the formation of ozone.

***Recommendations:***

The FEIS should include a Construction Emissions Mitigation Plan and adopt this plan in the Record of Decision in order to reduce potential short-term air quality impacts associated with construction activities. In addition to all applicable local, state, or federal requirements, the following mitigation should be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter, carbon monoxide, sulfur dioxide, and nitrate oxides, other pollutants from construction-related activities:

- Fugitive Dust Source Controls: The FEIS should identify the need for a Fugitive Dust Control Plan to reduce Particulate Matter 10 and Fine Particulate Matter 2.5 emissions during construction and operations. The plan should include these general commitments:
  - Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
  - Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
  - Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.
- Mobile and Stationary Source Controls:
  - Plan construction scheduling to minimize vehicle trips;
  - Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
  - Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
  - If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;

- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
  - Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).
- Administrative controls:
- Develop construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips.
  - Identify any sensitive receptors in the project area, such as children, elderly, and the infirm, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).
  - Include provisions for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

## **Environmental Justice and Impacted Communities**

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), and the Interagency Memorandum of Understanding on Environmental Justice (August 4, 2011) direct federal agencies to identify and address disproportionately high and adverse human or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance<sup>1</sup> by Council on Environmental Quality (CEQ) clarifies the terms low-income, minority population, and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

The DEIS identifies in Table 36 *Compliance with Environmental Laws, Regulations, and Executive Orders Relative to the Tentatively Selected Plan* that no minority or low-income communities would be affected by the proposed project. However, there is no discussion of the methodology or conclusion to substantiate that environmental justice under Executive Order 12898 is not applicable. Based on the project area and the common practice of subsistence hunting or fishing, minority or low income populations may be indirectly affected by the proposed project.

In the Socioeconomic and Human Resource Section (4.2.13) of the DEIS, parish-level statistics are identified for Cameron and Calcasieu. No finer scale or geography information

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<sup>1</sup> Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.  
<http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf>



(e.g. Census block or block group) is presented relative to the project area, which may illustrate low income or minority populations living near the project area.

***Recommendation:***

The FEIS should include an analysis of socioeconomics and environmental justice for the proposed project, which follows CEQ Guidance. Also, the FEIS should clearly clarify and substantiate USACE's conclusion and methodology that environmental justice is not applicable for this proposed project.

**Consultation and Coordination with Indian Tribes**

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249; November 6, 2000)<sup>2</sup>, the Presidential Memo of November 5, 2009<sup>3</sup>, and the July 30, 2010 Office of Management and Budget guidance for implementing the Presidential Memo<sup>4</sup>, require regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

The DEIS does not identify potentially affected tribes or whether USACE consulted or coordinated with potentially affected tribes.

***Recommendation:***

The FEIS should identify all potentially affected tribes and tribal communities, and include correspondence to and from Tribes and other consultation related documents. These documents would demonstrate fulfillment of consultation and coordination duties by USACE with Tribes.

**Threatened and Endangered Species**

The DEIS does not contain a final determination on the environmental consequences of the alternatives to threatened and endangered species. The U.S. Fish and Wildlife Service (USFWS) was contacted for threatened and endangered species consultation, but there is not a concurrence from the USFWS on any conclusion reached in the DEIS.

<sup>2</sup>Executive Order 13175, <http://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf>

<sup>3</sup> Presidential Memo of November 5, 2009, <http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president>

<sup>4</sup>July 30, 2010 OMB Guidance for Implementing the Presidential Memo, <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2010/m10-33.pdf>

***Recommendation:***

The FEIS should incorporate concurrence from the USFWS on the USACE determination for impacts of the proposed project to threatened and endangered species.

**Coastal Zone Management**

The DEIS does not contain a final determination on the environmental consequences of the alternatives to coastal resources. Louisiana Department of Natural Resources (LADNR) was contacted for coordination and consultation, but there is not a concurrence from the LADNR on any conclusion reached in the DEIS.

***Recommendation:***

The FEIS should incorporate concurrence from the LADNR on the USACE determination for impacts of the proposed project on coastal resources.

**Fishery Conservation Management**

The DEIS does not contain a final determination on the environmental consequences of the alternatives to fishery conservation. The National Marine Fisheries Service (NMFS) was contacted for coordination and consultation, but there is not a concurrence from the NMFS on any conclusion reached in the DEIS.

***Recommendation:***

The FEIS should incorporate concurrence from the NMFS on the USACE determination for impacts of the proposed project on fishery conservation.